

PHILLIP A. TALBERT  
United States Attorney  
JUSTIN J. GILIO  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARTIN VELAZQUEZ,  
  
Defendant.

CASE NO. 1:22-CR-00249-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: January 22, 2024  
COURT: Hon. Jennifer L. Thurston

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea hearing on January 22, 2024.

2. By this stipulation, defendant now moves to continue the change of plea hearing to February 26, 2024, at 9:00 a.m. before the Hon. Jennifer L. Thurston, and to exclude time between January 22, 2024, and February 26, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv).

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes cell phone extractions, investigative reports, photographs and other media evidence. All this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Since the change of plea hearing was set, counsel has met and consulted with her client and reviewed the government's plea offer. Defense counsel and defendant need the additional time to consider the government's offer and for defense counsel to continue some independent investigation, and prepare for the change of plea hearing.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 22, 2024 to February 26, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 18, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ JUSTIN J. GILIO  
JUSTIN J. GILIO  
Assistant United States Attorney

1 Dated: January 18, 2024

/s/ Monica Bermudez

Monica Bermudez  
Counsel for Defendant  
Martin Velazquez

8 **ORDER**

9 For the reasons set forth in the stipulation, the Court **CONTINUES** the change-of-plea hearing  
10 to February 26, 2024 at 9:00 a.m. Time between January 22, 2024 through the continued hearing date on  
11 February 26, 2024, inclusive, is deemed excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because  
12 it results from a continuance granted by the Court at defendants' request on the basis of the Court's  
13 finding that the ends of justice served by taking such action outweigh the best interest of the public and  
14 the defendants in a speedy trial.

15 IT IS SO ORDERED.

16 Dated: **January 18, 2024**

  
UNITED STATES DISTRICT JUDGE